# Texas legislative proposal aims to end in-state tuition for undocumented students



A legislative proposal under debate in Texas could end the eligibility of thousands of undocumented students for in-state tuition rates at the state’s public universities, marking a significant shift in higher education policy. The discussions took place on Tuesday, focusing on the potential repeal of the Texas Dream Act, a law enacted in 2001 that currently allows undocumented students to qualify for in-state tuition if they have lived in Texas for three consecutive years before graduating from high school.

Senator Mayes Middleton, a Republican from Galveston, introduced Senate Bill 1798, which seeks to prohibit undocumented students from paying in-state tuition and restrict their access to any state-funded financial aid, including scholarships and grants, at Texas universities. Speaking before a committee, Middleton emphasised that financial aid in Texas institutions should be prioritised for U.S. citizens. “Public funds for higher education, in this case, should certainly be reserved for citizens,” he said, adding that the proposed legislation would align state policy with federal regulations that bar undocumented students from receiving federal financial aid.

Texas was the pioneer state in granting in-state tuition to undocumented students, a policy originally supported by former Governor Rick Perry. This legislation has since been adopted by 23 other states, with proponents highlighting the contributions these students make to Texas’ economy and workforce.

Maria Elena Dominguez, an advocate and former beneficiary of the Texas Dream Act, shared her personal story with The Dallas Morning News. Dominguez graduated from Texas State University in 2007 with a degree in bilingual education. Now a U.S. citizen, she owns a bilingual preschool and daycare business in Austin. “This law gave me more than in-state tuition. It gave me an opportunity, a chance to prove myself, a chance to move forward,” she said. Dominguez also noted her economic contributions through job creation and taxes paid.

According to the Presidents’ Alliance on Higher Education and Immigration, about 57,000 undocumented students are currently enrolled in Texas colleges and universities. In 2023, more than 20,000 students—representing approximately 1.5% of all Texas college students—signed affidavits declaring their non-U.S. residency status for the purpose of qualifying for in-state tuition, stated Luis Figueroa, chief of legislative affairs at Every Texan, an advocacy nonprofit.

Rick Noriega, a former state representative who authored the Texas Dream Act and a retired major general of the Texas Army National Guard, praised the law as a blueprint for other states. In a statement to lawmakers, Noriega said the legislation was never intended as a subsidy but rather “an opportunity, not a handout, but a hand up.” He noted support from the Texas business community for the law due to its positive impact on workforce development, stressing the goal of cultivating local talent for critical jobs.

Economic analyses underscore the financial significance of maintaining in-state tuition eligibility for undocumented students. A 2023 estimate by the American Immigration Council suggested Texas could lose up to $461 million annually in earnings and spending power if residency criteria were tightened.

Sarah Keyton, deputy commissioner for administration and operations at the Texas Higher Education Coordinating Board, outlined the rationale for the current policy, noting that undocumented students’ families contribute economically to the state and that these students have gone through Texas’s K-12 education system. To qualify, students must have completed high school or received a GED in Texas and sign an affidavit expressing their intent to apply for permanent resident status when eligible.

However, Senator Middleton critiqued the policy’s fiscal impact, claiming undocumented students received approximately $150 million in subsidies during the current academic year, although he did not provide detailed evidence of the calculation. “These are funds that could have been used to support lawful residents, perhaps even used to lower tuition or fees for citizens,” he added.

The bill’s supporters argue that in-state tuition incentives might attract undocumented immigrants to Texas. Fran Rhodes, president of the advocacy group True Texas Project, stated, “To me, it is just wrong to reward people who have broken our laws, who come here without permission, without legal status.”

Opposing this view, Senator José Menéndez, a Democrat from Bexar County, highlighted that many of these students were brought to the U.S. as children without choice and have effectively established residency by growing up, studying, and working in Texas. He said, “They have only known this country as their own home.”

Legislators have attempted to repeal the in-state tuition provision several times over the past twenty years, but similar bills previously stalled in committee. In 2022, a legal challenge was mounted by the Texas Public Policy Foundation and the Young Conservatives of Texas against the University of North Texas’s tuition policies favouring undocumented students over out-of-state Americans. While a U.S. district judge initially ruled the law unconstitutional, an appeals court reversed that decision in 2023, allowing the practice to continue.

Texas remains among 24 states, including California and Washington, that provide undocumented students with in-state tuition at public universities, according to the Presidents’ Alliance on Higher Education and Immigration.

Lawmakers also debated other related proposals, such as reserving 75% of athletic scholarships in public universities for U.S. citizens. Senator Royce West, a Democrat from Dallas who opposed these measures, remarked, “There is a pattern that has developed here in terms of making certain that people that are not from America don’t get the opportunities in America.” Conversely, Senator Brandon Creighton, Republican from Conroe and sponsor of the athletic scholarship bill, defended the discussion, stating, “Talking about scarcity of dollars and resources is absolutely anything but disingenuous and irresponsible.”

The Dallas Morning News provided this detailed coverage as part of its ongoing Education Lab initiative, which aims to explore significant educational issues affecting North Texans. The initiative is supported by a range of community and philanthropic partners, with The Dallas Morning News maintaining editorial oversight.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

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2. <https://www.dallasnews.com/news/education/2025/04/23/bill-aims-to-repeal-in-state-tuition-limit-college-aid-for-texas-undocumented-students/> - Details the current legislative debate over Senate Bill 1798, which aims to repeal the Texas Dream Act by ending undocumented students’ eligibility for in-state tuition and state-funded financial aid in Texas public universities.
3. <https://immigrationforum.org/article/texas-h-b-160-repeal-of-in-state-tuition-for-undocumented-students-bill-summary/> - Explains the legislative history and provisions of bills like Texas H.B. 160 that seek to repeal in-state tuition for undocumented students, clarifying qualification criteria under the Texas Dream Act and the potential impact of repeal efforts.
4. <https://www.higheredimmigrationportal.org/effective_practice/texas-in-state-tuition-what-you-need-to-know/> - Verifies that former Governor Rick Perry supported the Texas Dream Act in 2001, and that it provides undocumented students meeting specific residency and affidavit requirements access to in-state tuition, emphasizing the law’s role in workforce development.
5. <https://www.presidentsofalliance.org/resources/texas/> - Provides data confirming approximately 57,000 undocumented students are enrolled in Texas higher education institutions and notes the Texas Dream Act’s ongoing relevance and enrollment impact, consistent with figures cited by advocacy groups like the Presidents’ Alliance on Higher Education and Immigration.
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